

1 Hon. Judge Robert S. Lasnik
2
3
4
5
6
7
8

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON, AT SEATTLE

LISA C. NEAL, an individual,

11 Plaintiff,

12 vs.

13 CITY OF BAINBRIDGE ISLAND, a
14 Washington State municipal corporation,

15 Defendant.

16 NO.: 3:20-cv-06025-RSL

17 **DECLARATION OF CHRISTOPHER
18 NEAL IN SUPPORT OF PLAINTIFF'S
19 OPPOSITION TO DEFENDANT CITY
20 OF BAINBRIDGE ISLAND'S MOTION
21 TO DISMISS PLAINTIFF'S CLAIMS
22 OR, IN THE ALTERNATIVE,
23 BIFURCATION OF PRA CLAIMS, AND
24 REQUEST FOR LEAVE TO AMEND**

25 **ORAL ARGUMENT REQUESTED**

26 **NOTED FOR HEARING:
FRIDAY, MARCH 26, 2021**

I, Christopher L. Neal, declare as follows:

1. I am Plaintiff's counsel in this lawsuit. I make this declaration based on
my personal knowledge of admissible facts. I am competent to testify to the matters
set forth in this declaration.

2. Plaintiff's Opposition to Defendant's Motion to Dismiss is supported by
Appendix A, Appendix B, and Appendix C. These appendices, incorporated here,

DECLARATION OF CHRISTOPHER NEAL- 1
(Cause No. 3:20-cv-06025-RSL)

NEAL FIRM, PLLC
PO Box 11215
BAINBRIDGE ISLAND, WASHINGTON 98110
TELEPHONE (206) 317-3000

1 provide references to public record video excerpts from parts of Bainbridge Island
 2 City Council meetings that contain information that is relevant to Plaintiff's claims
 3 made in her First Amended Complaint (Dkt 3), to Defendant's Motion to Dismiss
 4 those claims (Dkt 10), and to Plaintiff's Opposition to Defendant's Motion to Dismiss
 5 to which this Declaration applies. Attached hereto as Exhibits A, B, and C are
 6 transcriptions of what was said in the video excerpts. I created the transcriptions to
 7 the best of my ability. The transcriptions are true and correct representations of what
 8 was said in each video excerpt, and by whom.

3. Per the public record, Bainbridge Island Municipal Code Ordinance
 10 No. 2018-46 was discussed and voted on at the Dec 11, 2018 Council meeting
 11 (Appendix A), and passed into law unanimously *via* the Consent Agenda unchanged
 12 at the Jan 8, 2019 Council meeting, requiring the numbering change to Ordinance No.
 13 2019-01. The video of the January 8, 2019, Council meeting is found here:
 14 <https://bainbridgewa.granicus.com/player/clip/71> and the Agenda Item is 9.E.
 15 (9.E. begins at timestamp 2:08:13): "Ordinance No. 2019-01 (Formerly Ordinance No.
 16 2018-46), Creating a Uniform Process for the Removal and Resignation of Members
 17 of Citizen Advisory Committees as well as for the Demotion of the Chairs of Citizen
 18 Advisory Committees."

4. COBI's counsel, Jayne Freeman, accepted service of Plaintiff's First
 21 Amended Complaint *via* email on January 14, 2021. Attached as Exhibit D is a true
 22 and correct copy of our corroborating email exchange.

5. Discovery is anticipated to reveal different treatment for the Island
 24 Center recordings, than for other committees. The Fed. R. Civ. P. 26(f) conference
 25 occurred on March 5, 2021, and COBI has now moved to stay all discovery. Dkt 12.

6. Attached as Exhibit E is a true and correct copy of my February 10, 2021, email exchange with COBI's defense counsel, Jayne Freeman. In that exchange (highlighted language p. 1), COBI, a municipal corporation, stated that it was allowed 60 days (January 14, 2021) to file its Answer "per FRCP 4(d)."

7. If the Court is inclined to grant Plaintiff's request to transform COBI's motion, that it first transform the motion on this ground to one under Fed. R. Civ. P. 56, and continue the motion under Fed. R. Civ. P. 56(d) to allow discovery. Plaintiff will then be able to gather evidence, including transcripts of all meetings she attended, and prove the falsity of all statements.

I declare under penalty of perjury under the laws of the State of Washington
that the foregoing is true and correct to the best of my knowledge.

DATED: March 22, 2021.

NEAL FIRM, PLLC

/s/ Christopher L. Neal
Christopher L. Neal, WSBA #25685
Attorney for Plaintiff Lisa Neal
Neal Firm, PLLC
PO Box 11215
Bainbridge Island, WA 98110
(206) 317-3000
cneal@coveragenorthwest.com

DECLARATION OF CHRISTOPHER NEAL- 3
(Cause No. 3:20-cv-06025-RSL)

NEAL FIRM, PLLC
PO Box 11215
BAINBRIDGE ISLAND, WASHINGTON 98110
TELEPHONE (206) 317-3000

CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2021, I electronically filed the foregoing with the Clerk of the Court using the EM/ECF system, which will send notification of such filing to the following:

Jayne L. Freeman, WSBA #24318
Audrey M. Airut Murphy, WSBA #56833
KEATING, BUCKLIN & McCORMACK, INC., P.S.
801 Second Avenue, Suite 1210
Seattle, WA 98104
Phone: (206) 623-8861
Fax: (206) 223-9423
Email: jfreeman@kbmlawyers.com

Kari I. Lester, WSBA #28396
OGDEN MURPHY WALLACE PLLC
901 Fifth Avenue, Suite 3500
Seattle, WA 98164
Email: klester@omwlaw.com

DATED: March 22, 2021

NEAL FIRM, PLLC

/s/ Christopher L. Neal
Christopher L. Neal, WSBA # 25685
Attorney for Plaintiff Lisa Neal
Neal Firm, PLLC
PO Box 11215
Bainbridge Island, WA 98110
(206) 317-3000
cneal@coveragenorthwest.com